

## **REMARKS**

Claims 1-44 are pending.

Claims 1-12, 14-30, and 32-44 are rejected.

### **Claim Objections**

Claims 13 and 31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten.

### **Specification Amendment**

Paragraph 26 has been amended to correct a grammatical error. Specifically, paragraph 16 has been amended to recite, "Table 1 contains an example listing of data types used to profile selected user session data of the training set 102." Support for the amendment is found in, for example, lines 2-7 of paragraph 26. No new matter has been added.

### **Claim Rejections - 35 U.S.C. § 103**

Claims 1-12, 14-30, and 32-44 stand rejected under 35 U.S.C. § 103(a) as being anticipated by U.S. Patent No. 5,754,938 to Herz et al. (hereinafter "*Herz*"). Applicant respectfully traverses the rejection.

*Herz* "relates to customized electronic identification of desirable objects, such as news articles, in an electronic media environment, and in particular to a system that automatically constructs both a "target profile" for each target object in the electronic media based, for example, on the frequency with which each word appears in an article relative to its overall frequency of use in all articles, as well as a "target profile interest summary" for each user, which target profile interest summary describes the user's interest level in various types of target objects." *Herz*, Abstract.

Applicants respectfully submit that *Herz* neither teaches nor suggests the present invention. The Office Action identifies *Herz*, col. 20, lines 20-65 as disclosing "developing a set of master session profiles and identifies *Herz*, col. 25, lines 10-65 as "processing at least a subset of user session data to evaluate the user session data using the master session profiles." Office Action, p. 2, para. 3. The discussion in *Herz* col. 20, lines 20-65 and col. 25, lines 10-65 is in

terms of “target objects” and “target profiles”. Applicants respectfully submit that a clear distinction exists between the “target profiles” taught by Herz and the “master session profiles” of claims 1, 14, 26, 29, 43, and 44 of the Present Application. Accordingly, for at least this reason, Applicants respectfully submit that *Herz* neither teaches nor suggests the present invention of claims 1, 14, 26, 29, 43, and 44 and claims directly or indirectly dependent thereon.

*Herz* teaches that “[s]ellers submit profiles of the goods (target objects) they want to sell, and buyers submit profiles of the goods (target objects) they want to buy.” *Herz*, col. 17, lines 1-3. *Herz* teaches that “the system stores (or has the ability to reconstruct) several pieces of information about each target object.” *Id.*, col. 9, lines 63-65. “These pieces of information are termed “attributes”: collectively, they are said to form a profile of the target object, or a “target profile.” *Id.*, lines 65-67.

In the context of identifying movies of interest, *Herz* in col. 10, lines 5-18 provides examples of values of such attributes that form a ‘target profile’:

- (a.) title of movie,
- (b.) name of director,
- (c.) Motion Picture Association of America (MTAA) child-appropriateness rating (0=G, 1=PG, . . . ),
- (d.) date of release,
- (e.) number of stars granted by a particular critic,
- (f.) number of stars granted by a second critic,
- (g.) number of stars granted by a third critic,
- (h.) full text of review by the third critic,
- (i.) list of customers who have previously rented this movie,
- (j.) list of actors.

(See also, for example, col. 10, line 61-col. 12, line 45).

*Herz* also teaches using “attributes” to profile users. *Id.*, col. 20, lines 25-32. *Herz* further teaches comparing user profiles and target profiles to estimate interest in the target objects by the users. *Id.*, col. 25, lines 2-65.

Applicants respectfully submit that since the “target profiles” of *Herz* are merely a collection of prestored ‘attributes of target objects’ submitted by a buyer and/or seller, the target profiles and operations relating thereto as taught by *Herz* are clearly not related to “master session profiles” as recited in claims 1, 14, 26, 29, 43, and 44 and claims directly or indirectly dependent thereon. Accordingly, *Herz* neither teaches nor suggests:

**(Claim 1)**

developing a set of master session profiles, wherein the master session profiles include product demand indicators;

processing at least a subset of user session data to evaluate the user session data using the master session profiles; and

determining product demand from the evaluations.

**(Claim 14)**

processing at least a subset of collected user session data to evaluate characteristics of the user session data against product demand characteristics derived from a set of master session profiles, wherein the master session profiles include product demand indicators; and

determining product demand from the evaluations.

**(Claim 26)**

collecting data from multiple user sessions with a world wide web (“Web”) site, wherein the user sessions involve selecting a product marketed by the Web site and the collected data includes user navigation data related to selection of a product selection and Web page data as provided to the user;

developing a product demand master profile set from the collected data;

collecting a second set of user session data; and

matching the second set of user session with the master profile set to determine product demand.

**(Claim 29)**

master session profile generation system to develop a set of master session profiles, wherein the master session profiles include product demand indicators; and

a processing engine to process at least a subset of user session data to evaluate the user session data using the master session profiles and determine product demand from the evaluations.

**(Claim 43)**

develop a set of master session profiles, wherein the master session profiles include product demand indicators;

process at least a subset of user session data to evaluate the user session data using the master session profiles; and

determine product demand from the evaluations.

**(Claim 44)**

means for developing a set of master session profiles, wherein the master session profiles include product demand indicators;

means for processing at least a subset of user session data to evaluate the user session data using the master session profiles; and

means for determining product demand from the evaluations.

*Herz* does teach using passive feedback. “In passive feedback, the system infers the user's interest from the user's behavior.” *Herz*, col. 17, lines 28-30. However, regarding passive feedback in col. 17, line 28-col. 18, line 12, *Herz* teaches that “assessing interest in a document via passive feedback” involves using a “formula” for assessing interest as opposed to using “master session profiles” of claims 1, 14, 26, 29, 43, and 44.

For at least the foregoing reasons, Applicants respectfully submit that *Herz* neither teaches nor suggests the present invention of claims 1, 14, 26, 29, 43, and 44 and claims directly or indirectly dependent thereon.

Accordingly, Applicants respectfully request withdrawal of the rejection.

**Claims 11, 24, and 41.**

Additionally, since *Herz* neither teaches nor suggests the present invention of claims 1, 14, 26, 29, 43, and 44 *Herz* cannot teach nor suggest the present invention of claims directly or

indirectly dependent on claims 1, 14, 26, 29, 43, and 44, Applicants respectfully point out distinctions in claims 11, 24, and 41 that are neither taught nor suggested by *Herz*.

Claims 11, 24, and 41 recite that “the user session data includes data types associated with each users navigation of the network site during configuration of a product.” The Office Action states that *Herz* teaches or suggests claims 11, 24, and 41 in col. 7, lines 9-60. *Herz* teaches that:

Browsing provides an alternate method of selecting a small subset of a large number of target objects, such as articles. Articles are organized so that users can actively navigate among groups of articles by moving from one group to a larger, more general group, to a smaller, more specific group, or to a closely related group. Each individual article forms a one-member group of its own, so that the user can navigate to and from individual article s as well as larger groups. *Herz*, col. 7, lines 27-35.

Applicants respectfully submit that navigating between different sizes of groups of articles is not “configuration of a product” and, thus, *Herz* neither teaches nor suggests that “the user session data includes data types associated with each users navigation of the network site during configuration of a product” as required by claims 11, 24, and 41.

Although Applicants have specifically pointed out distinctions between the teachings and suggestions of *Herz* and claims 11, 24, and 41, Applicants do not admit that the individual features of the remaining dependent claims are taught or suggested by *Herz*.

### CONCLUSION

In view of the amendments and remarks set forth herein, Applicant respectfully submits that all pending claims are in condition for allowance. Accordingly, Applicant requests that a Notice of Allowance be issued. Nonetheless, should any issues remain that might be subject to resolution through a telephone interview, the Examiner is requested to telephone the undersigned at 512-338-9100.

#### CERTIFICATE OF TRANSMISSION

I hereby certify that on January 12, 2009 this correspondence is being transmitted via the U.S. Patent & Trademark Office's electronic filing system.

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Respectfully submitted,

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